UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,042	02/25/2002	Nicholas Luke Bennett	007051.P011	7776

23446 7590 05/19/2008

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER	
SHAH, MILAP	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
05/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/857,042	BENNETT ET AL.	
	Examiner	Art Unit	
	Milap Shah	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6,7,12-15,18-28,32,35-48,51-54,57-69,72-75,77-80,84,87-95,97,102,103,106-114,128-130,133-147,150-158 and 220-227.

Continuation of Disposition of Claims: Claims rejected are 1-4,6,7,12-15,18-28,32,35-48,51-54,57-69,72-75,77-80,84,87-95,97,102,103,106-114,128-130,133-147,150-158 and 220-227.

DETAILED ACTION

This action is in response to the amendment filed February 29, 2008. The Examiner acknowledges that claims 1, 26, 43, 65, 67, 72, 114, 141, 158, & 220 were amended, claim 5 was canceled, and no new claims were added. Therefore, claims 1-4, 6-7, 12-15, 18-28, 32, 35-48, 51-54, 57-69, 72-75, 77-80, 84, 87-95, 97, 102, 103, 106-114, 128-130, 133-147, 150-158, & 220-227 are currently pending.

Information Disclosure Statement

The following is reiterated from the previous office action as no response or acknowledgement of the IDS deficiency has been received: The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 12-15, 18, 19, 27, 41, 42, 51-54, 57, 58, 66, 72-75, 77-79, 102, 103, 106, 107, 128-130, 133, 134, 142, 146, 147, 150, 151, 220, 227 rejected under 35 U.S.C. 102(b) as being anticipated by Ugawa (Japanese Publication No. 09-047550, published February 18, 1997). The Examiner has attached a machine translation to English of the abstract, claims and detailed description.

Claims 1, 27, 66, 72, 73, 128, 142, 220, & 227: Ugawa generally discloses the same invention including a gaming machine with a display and a game controller as is known in the art (see at least figures 1-4), where the game controller is arranged to play a game wherein one or more random events are caused to be displayed on the display and, if a predetermined winning event or combination of events results, the machine awards a prize, the console being characterized in that an animated character is periodically displayed to communicate information to the player, the character being arranged to appear superimposed over any game screen currently displayed at the time the character is displayed, the character appearing to at least control the dispensing of a prize (abstract, figures 36-42, and paragraphs 0033-0042). Generally, Ugawa discloses the character appears to provide information as to the dispensing or controlling of a prize, such that the predictive information is associated with a prize winning jackpot or outcome that'll eventually hit in subsequent games. Ugawa discloses the character appears at least to delivery predictive information regarding a big hit or big jackpot, such that the occurrence of the character appears to be independent of the specific outcome of the game being played, but rather the character appears

randomly based on a trigger signal through "WC RND RCH" of the flowchart shown in at least figure 26 (paragraph 0033 discloses when the value of the variable "WC RND RCH" is under 10, the superposition of the character on the game screen is started). Regarding claim 27, the character clearly appears to award a bonus feature, where the feature includes predictive information as to further bonus awards. Regarding claim 72, the triggering of the appearance of the character is clearly associated with a function or feature selected from a plurality of functions or features associated with the game console (i.e. triggering is random, which is one feature of many available on the game console, where another feature is the spinning of the reels; "feature or function" in the context of the claim appears broad). Regarding claim 128, clearly the character appears asynchronously with the game being played when it appears superimposed at the same time during game play. Regarding claim 142, see figure 1, where the display may be considered the entire pachinko display and the auxiliary display may be considered video display 33. Regarding claim 220, all of the above appears to apply, as Ugawa discloses the character to provide information relating to at least a jackpot, which may be considered a bonus prize, or the character at least appears to control the dispensing of the prize via providing information relating to the prize. Regarding the added limitation, as discussed in the response to arguments below, the animated character feature must be "related" to be a bet placed, where such relationship is at least the fact that the character appears during a game play and game plays require wagers.

Claim 7: As discussed above the character randomly appears to provide the game feature, which provides a bonus award based on the outcome of the slot game in display 33 (figure 1).

Claims 12, 13, 41, 51, 52, & 77-79: Ugawa discloses another trigger symbol associated with the primary game being the pachinko game (figure 1), where the ball lands in a certain area triggering the "bonus" game of the video display; thus, it's clear the bonus or secondary game starts after the

completion of the primary game, simply because when the ball lands in the area to initiate the trigger signal, that primary game has been completed (paragraph 0023). It is understood in the art that bonus games are automatically commenced, thus, the player would not be given the opportunity to bet again until completion of the bonus round. Regarding claim 41, the bonus game is played on a "second screen" (figure 1).

Claims 14, 53, 102, 129, & 146: Ugawa discloses "voice generation" or music/sound effects in accordance with the displayed character to communicate the information to the player (paragraph 0006).

Claims 15, 54, 103, 130, & 147: Ugawa clearly discloses the information is displayed at least in symbols and/or text (figures 36-42).

Claims 18, 57, 106, 133, & 150: As discussed above in accordance with the "WC RND RCH" parameter, it appears the character is based upon at least a random trigger.

Claims 19, 58, 107, 134, & 151: Ugawa discloses the character is triggered at least for the purpose of providing predictive information in accordance with a probability of hitting a bonus award (see entire disclosure referencing "probabilities" throughout).

Claim 42: Ugawa discloses the character randomly awards a game feature specific to the game being played, such that the character itself is a game feature.

Claims 74 & 75: Ugawa discloses various "features" such as the predetermined predictive information to be displayed by the character, where the character is able to show various statements as disclosed by paragraphs 0033-0034, such that the trigger signal must include a portion to indicate which of the messages will be displayed after initiation of that particular "feature". These separate features each have a separate probability of occurring as discussed by Ugawa all throughout the disclosure of the invention. The determination of which message may be

displayed is considered to occur in accordance with a bet made by the player (i.e. the "feature" is only awardable when the game is played, which requires a bet).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 & 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ugawa, as applied to claims 1, 7, 12-15, 18, 19, 27, 41, 42, 51-54, 57, 58, 66, 72-75, 77-79, 102, 103, 106, 107, 128-130, 133, 134, 142, 146, 147, 150, 151, 220, 227, where applicable, in view of Official Notice.

Claim 2: Ugawa discloses the invention substantially as claimed except explicitly disclosing any bonus prizes or jackpot awards are awarded from a bonus prize pool. Regardless of the deficiency, such a feature it is notoriously well known in the art. The Examiner takes Official Notice that it would have been well known to those of ordinary skill in the art at the time of the invention to have pulled bonus awards from a bonus prize pool for at least accounting purposes, where a bonus prize pool stores portions of wagers pulled specifically for the purpose of providing bonus prizes on the gaming machines. See at least U.S. Patent No. 6,146,273 that discloses such a feature (column 24, lines 30-39). Therefore, it would have been prima facie obvious to modify Ugawa where the jackpot or bonus awards are pulled from a separate bonus pool, as such a modification would have required routine skill in the art. See also response to arguments for more detail.

Claim 43: Ugawa discloses the invention substantially as claimed except for explicitly disclosing the trigger is a combination of three symbols appearing anywhere on the screen (i.e. what is known

as a scatter event or a scatter trigger in the art). Regardless of the deficiency, the Examiner takes Official Notice that such a trigger event was well known in the art at the time the invention was made. Scatter pays or triggers based on a scatter outcome was known to provide another level of game play to players, where outcomes did not necessarily need to be obtained on a specific pay line, but rather could be obtained when three or more like symbol were displayed anywhere on the display. Therefore, it would have been prima facie obvious to modify Ugawa with a scatter triggering event, such as a scatter in the bonus game to re-trigger the bonus game or trigger a subsequent bonus game as is known in the art. As an evidentiary reference, see U.S. Patent No. 6,159,098 to Slomiany et al. which discloses a possible scatter outcome. See also response to arguments for more detail.

Claims 3, 4, 6, 20-26, 28, 32, 35-40, 44-48, 59-65, 67-69, 80, 84, 87-95, 97, 108,114, 135-141, 143-145, 152-158, & 221-226 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ugawa, as applied to claims 1, 5, 7, 12-15, 18, 19, 27, 41, 42, 51-54, 57, 58, 66, 72-75, 77-79, 102, 103, 106, 107, 128-130, 133, 134, 142, 146, 147, 150, 151, 220, 227, where applicable.

Claims 3, 4, 6, 28, 32, 35-40, 44-48, 80, 84, 87-95, 97, 143-145, & 226: Ugawa discloses the invention substantially as claimed except for explicitly disclosing:

the character is in the shape of a coin having at least one of glasses, a top hat, legs or arms (claims 3 & 4);

the character being used to indicate to the player any game and feature prizes won as a result of the primary game in addition to bonus prizes achieved (claim 6);

the character initiating the reel spin game of the video display in Ugawa, such that character appears to activate each reel to spin (claims 28 & 32);

the character indicating a reel to be indicated as a wild, where the character indicates such by climbing into the foreground of that reel (claims 44-47 & 87-88);

the character replacing symbols with special symbols (claim 48);

the character offering a selection between two or more objects, such as the animated character holding two objects, the objects may be money or box representations, or bonus features, the player choosing one of the objects (claims 35-38, 89-92, & 226);

the character awarding free games, a multiplier, and/or other prizes (claims 39, 40, 93 & 94);

the character causing reels to spin, when the primary game is a slot game versus a pachinko game (obvious variant), such that the bonus game as in Ugawa is a slot game having associated awards (claims 80, 84, 95, & 97); and

the character interacting with a primary game during display on the auxiliary display as disclosed above, the character interaction occurs for bonus features (claims 143-145).

Regardless of these deficiencies, they would have been an obvious matter of design choice to those of ordinary skill at the time of the invention. The Applicant has not stated that such specific aesthetic functions of the character provide any particular unexpected result or solve any stated problem, and it appears the gaming machine would perform equally well with the character simply performing the tasks as disclosed by Ugawa. For example, the primary game being a slot game versus a pachinko game is considered a mere design consideration, as it would require only routine skill in the art. Alternatively, or in conjunction with the design choices, these features of the character prove to be merely functional language, such that within an apparatus claim, the Examiner must show an equivalent structure to properly reject the claims and any functional language is not given the patentable weight that it would be given if written in a method claim.

MPEP 2114 recites that "while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather then function". *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Federal Circuit, 1997). MPEP 2114 also recites "A claim containing a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim". *Ex parte Masham*, 2 USPQ2d 1647 (Board of Patent Appeals & Interferences, 1987). Therefore, the Examiner submits that the limitations discussed above would have been obvious design choices as to the function of the disclosed character to those of ordinary skill in the art at the time of the invention. These obvious design elements for the character's functionality would have produced predictable results in accordance with the specific design implemented. It appears no unexpected results arise from the functionality of the character within the indicated claims. Therefore, for at least the reasons given, it would have been prima facie obvious to modify Ugawa to obtain the invention as specified in claims 3, 4, 6, 28, 32, 35-40, 44-48, 80, 84, 87-95, 97, 143-145, & 226. One of ordinary skill in the art would be motivated to produce new design and effects for the simple reason of providing a new and exciting game for casino patrons in an industry where game machines are constantly being changed, upgraded, and re-designed to be appealing to the casino patrons, who are always looking for a new game to play. As such, new game designs appear to increase at least gaming revenue and casino appeal, which seems to be the underlying goal for gaming establishments.

Claims 20-26, 59-65, 108-114, 135-141 & 152-158: Ugawa discloses the invention substantially as claimed except for explicitly disclosing that the character is arranged to appear on a bank of consoles in a coordinated manner, such as progressing/walking from one machine to another,

where it may appear on one machine before it moves to the next or appear simultaneously on at least two machines such as when the character is in between two machines, or the like. Regardless of these deficiencies, it would have been notoriously well known in the art and would have required a mere design consideration. First, the Examiner submits that moving animations from one display to another is notoriously well known in the computer and gaming arts, such as a dual-monitor setup for a computer, where windows are transferable between two separate displays, or such as scrolling message displays in a bank of gaming machines, where a message essentially leaps from one machine's display to the next. These concepts are well known techniques in the art for moving animations between displays. Second, the Examiner submits that connecting multiple gaming machines to form a bank of gaming machines is also well known in the art. Thus, the Examiner submits that it would have required only routine skill in the art along with design considerations to implement a character across a bank of gaming machines. The remaining functional language directed to what exactly the character will do, as discussed above, is a mere design consideration. The combination of known elements or techniques including multiple gaming machines connectable into a bank of machines, an animated character, and moving graphics between multiple separate displays as taught by the art of record and known techniques to those skilled in the art, would have produced predictable results yielding an invention comprising an animated character inclusive in a bank of gaming machines in which the animated character is able to move across multiple displays for purposes of interactive gaming. Therefore, it would have been prima facie obvious to modify Ugawa with known elements and techniques to obtain the invention as specified in claims 20-26, 59-65, 108-114, 135-141 & 152-158. As evidentiary references for those elements considered well known in the art, the Examiner submits, U.S. Patent No. 5,655,961 to Acres et al. disclosing networked gaming (i.e. banks of gaming machines). The

concept behind dual-monitors or animation between separate displays has been well known in the computer arts for many years; thus, the Examiner does not feel that it is necessary to provide a specific reference.

Claims 67-69: Ugawa discloses the invention substantially as claimed except for explicitly disclosing the trigger is random and weighted by a desired hit rate, one such hit rate is that the feature is hit every N number of games or the feature is hit dependent on the player's wager amount. Regardless of the deficiency, triggers, as known in the art are merely an outcome associated with a pay table, such that all triggers are considered random and weighted based on a pay table and frequency of being hit based on return percentages, player input, and other various parameters of the gaming machine. For example, the outcome of "7 7 7" on some gaming machines is rare, where outcomes in general are still random, however, they are considered weighted such that the frequency of hitting a "7 7 7" outcome is much less then the frequency of hitting a more common outcome. Those of ordinary skill in the art rely on the same concept when designing triggering conditions. Thus, the Examiner submits that designing a trigger is essentially the same process as designing a pay table for a gaming machine and would have required routine skill in the art to those of ordinary skill in the art, where the option of operating a trigger in such a manner would have constituted a mere design consideration. The Applicant has not stated that the specific operation of the trigger in the recited manner solves any stated problem or is for any particular reason, and it appears the gaming machine would have operated equally well if the trigger was initiated every single turn of the game, as in, the gaming machine's operation would not differ. Thus, such a consideration is merely design choice. Designing pay tables based on how often each outcome is intended to be hit (i.e. frequency of outcomes) is a well known technique in the art. Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time of

the invention to modified Ugawa's triggering conditions using known pay table creating techniques to produce predictable results. See U.S. Patent No. 4,448,419 to Telnaes that discloses techniques for designing pay tables.

Claims 221-225: Ugawa discloses the invention substantially as claimed except for explicitly disclosing the specific game states for the appearance of the character, such as a losing outcome, a near miss outcome, a winning outcome, or a combination thereof. Regardless of the deficiencies, it would have been an obvious matter of design choice to a person of ordinary skill in the art at the time of the invention. The Applicant has not stated that these specific game states are for any particular reason providing unexpected results and it appears the game machine would have performed equally well regardless of which specific game state is used to determine the occurrence of the character. It appears the various game states are disclosed in the alternative, such as any of these are possible. Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Ugawa with various game states as to when the character is triggered, for at least the purpose of providing the character to players in a variation of scenarios, such as even getting a losing outcome in their base game.

Response to Arguments

Applicant's arguments filed February 29, 2008 have been fully considered but they are not persuasive.

With respect to at least independent claims 27, 66, 128, & 142, the Applicant argues that Ugawa fails to disclose the animated character appearing randomly and independent of an outcome of the game being played. The Examiner respectfully disagrees. As best understood through the translation, it appears the read-for-winning state or jackpot being detected is not based on the outcome of the game being

played, but rather a parameter or randomization function within the gaming machine to determine if a future outcome is going to be a win (i.e. a ready-for-win parameter is determined to be prime for a future outcome to be a win). Thus, the animated character remains to be random (i.e. random based on the parameter) and independent of the outcome of the game being played (i.e. the animated character is used to be predictive for a future outcome and does not appear to be based on an outcome of the current game being played). As discussed in the previous office action, the character appears randomly based on a trigger signal through "WC RND RCH" of the flowchart shown in at least figure 26. Next, the Examiner also interprets the English abstract (as indicated by the Applicant as failing to disclose the recited limitation) as disclosing that each time a ready-for-win state is detected, the character appears on the screen to indicate a future win is coming. And, as previously stated, the detection of this parameter or "ready-for-win" state is randomly determined as seen throughout the Ugawa translation (i.e. many aspects of the Ugawa invention are randomly based).

Consequently, with respect to claims 1, 72, & 220, if the animated character appears randomly as discussed herein, it must be at least "related" to a bet placed by the player, such relation being that the animated character can only be achieved if a player is playing the gaming machine, where the gaming machine requires a bet to play a game. Thus, the animated character is triggered both randomly and related to a bet placed by the player.

With respect to claims 2 & 43, the Applicant traverse's the Examiner's Official Notice of a bonus pool of claim 2 and a scatter symbol triggering event of claim 43. The Examiner respectfully submits, for claim 2, U.S. Patent No. 6,146,273 to Olsen (as presented in the previous action) as evidence of a teaching in the prior art of one such implementation of a bonus pool for use in distributing bonus prizes from said bonus pool. Those skilled in the art having ordinary skill and common knowledge would have found it an obvious matter in view of such teachings to implement bonus awards from a bonus prize pool kept

separately, for at least accounting purposes (i.e. one such implementation is any bonus monies inputting into a gaming machine are accumulated in a bonus pool). Thus, at the time the invention was made, it would have been an obvious matter to one of ordinary skill in the art to modify Ugawa with a bonus pool to award the possible jackpots or secondary bonus prizes from a bonus pool of available money. Such a modification does not appear to change the operation of Ugawa and would have only added the benefit of accounting (i.e. tracking the amount of monies paid out through the bonus pool to determine the profitability of the game machine in regards to providing jackpots or secondary games -- where the secondary/bonus game is the reel game in the center of the pachinko machine disclosed by Ugawa). In regards to claim 43, the Examiner provided an evidentiary reference in the previous action, however, further submits U.S. Patent Application Publication No. 2001/0048193 to Yoseloff et al. as evidence of a teaching in the prior art of a triggering event comprising the occurrence of three scatter symbols and awarding of free games. Yoseloff et al. discloses that the presence of three 'whammy' symbols anywhere on the display devices a scatter pay, triggering a bonus round. The same concept is applicable in a bonus round, where such a combination triggers a payout. Yoseloff et al. discuss the possibility of free spins being awarded in view of special symbols, thus, those skilled in the art would have found it an obvious matter of design choice to program or set special symbols that entitled a player to a free game a scatter pay outcome. Such a modification is well within the ordinary level and common sense of those skilled in the art (i.e. game designers) and given the teachings of Yoseloff et al., one skilled in the art would have had sufficient motivation to modify Ugawa's bonus feature (i.e. the reel game) with additional exciting options as taught by Yoseloff. Therefore, the Examiner submits that scatter triggering events and providing free games as awards are well known concepts in the art that would have added exciting features to the reel game of Ugawa. Further, the animated character awarding said free games would have been an obvious use of available aesthetics and graphics that were available in Ugawa (i.e. use the animated character to provide

free games amongst host/control other game activities). For at least these reasons, the Examiner submits the above identified evidence supports the Official Notice.

For at least all of the reasons provided above, the claims rejections are maintained herein from the previous office action. The rejections may be updated to include any newly added limitations as found in the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/MBS/